

STATE MS.-DESOTO CO.

JAN 14 2 45 PM '04

BK 2 PG 6  
JAN 14 2 45 PM '04  
JAN 14 2 45 PM '04**Return To:**

Bridgespan Title Company  
2591 Dallas Parkway, Suite 600  
Frisco, TX 75034  
ATTN: Recording Department  
888 485-2432

00

530098

**AFFIDAVIT OF PAYMENT**

Before me, the undersigned authority, personally appeared BARRY D. DELANEY, LEAH M. DELANEY, known to me, each of whom did state under oath as follows:

1. The undersigned own the property described in Exhibit "A" attached hereto (the "Property").

2. All indebtedness evidenced and/or secured by the instrument(s) described in Exhibit "B" attached hereto (the "Liens") has been paid in full. There was no other indebtedness, other than the promissory note(s) described in the Liens, that was secured by the Liens. As a result, the Liens have been released as a matter of law. There are not any parties who have claimed or are claiming that any such indebtedness remains unpaid, due or payable or that the Liens continue to be valid or effective. The Liens have not been any renewal or extension of the Lien nor any acknowledgement of the justness of any claim relating to the Liens or the indebtedness secured thereby.

3. This Affidavit is being executed to induce BridgeSpan Title Company and its underwriter(s) (collectively, the "Company") to issue policy(ies) of title insurance concerning the Property without exception to the Liens. This Affidavit may be relied upon by any purchasers of the Property, their heirs, successors, assigns and lenders, and any title companies (including the Company) issuing title insurance with respect to the sale of the Property and/or loan(s) secured thereby.

4. I hereby agree to indemnify and hold Company harmless from and against any and all liability, loss or damage of any nature, including, but not limited to, reasonable attorneys' fees and expenses, sustained or incurred under or pursuant to any policy of title insurance issued by Company (including, but not limited to, costs in defending any insured) that may arise or result from or in connection with any claim or allegation made by any party (regardless whether such claim or allegation is true or has any basis in law or fact), now or hereafter asserted, that any of the statements contained in this Affidavit of Payment is in any way not true (and regardless of whether the statement is of a factual or legal matter, or both), including, but not limited to, any claim or allegation that any indebtedness secured by the Liens has not been paid or that the Liens have not been released as a matter of law. If this instrument is executed by more than one person, then our obligations hereunder are joint and several.

5. I HAVE PERSONAL KNOWLEDGE THAT ALL STATEMENTS CONTAINED IN THIS AFFIDAVIT ARE TRUE. I UNDERSTAND THAT I AM MAKING THIS AFFIDAVIT UNDER OATH AND UNDER PENALTY OF PERJURY. WITHOUT LIMITING THE FOREGOING, I HAVE BEEN MADE AWARE OF THE OFFENSES AND PENALTIES UNDER FEDERAL AND STATE LAW, INCLUDING THE EXECUTION OF A FALSE AFFIDAVIT PURSUANT TO 18 U.S.C. '1621, PERJURY IN THE EXECUTION OF A FALSE AFFIDAVIT PURSUANT TO SECTION 37.02 OF THE TEXAS PENAL CODE, AND SECURING EXECUTION OF A DOCUMENT BY DECEPTION UNDER SECTION 32.46 OF THE TEXAS PENAL CODE, WHEREIN A PERSON COMMITS AN OFFENSE IF, WITH INTENT TO DEFRAUD OR HARM ANOTHER PERSON, HE, BY DECEPTION, CAUSES ANOTHER TO SIGN OR EXECUTE ANY DOCUMENT AFFECTING PROPERTY OR SERVICE OR THE PECUNIARY INTEREST OF ANY PERSON.

Name: Barry D. Delaney  
Barry D Delaney

Name: Leah M. Delaney  
Leah M Delaney

STATE OF Mississippi,

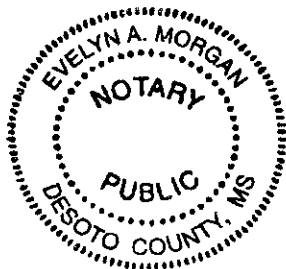
COUNTY OF Desoto

This instrument was sworn to, subscribed and acknowledged before me on MARCH 14, 2003, by BARRY D Delaney, Leah M. Delaney

Emely A. Morgan  
Notary Public, State of Mississippi

07-19-2006  
My Commission Expires:

Notary Public, State of \_\_\_\_\_



**EXHIBIT "B"**

A judgment in favor of Bank of Mississippi against Barry Delaney and Stacey Delaney, in the amount of \$2,634.00, recorded 08/19/1998 at Document Number 10132, records of Desoto Country, Mississippi.

STATE OF Mississippi ,

COUNTY OF Desoto ,

This instrument was sworn to, subscribed and acknowledged  
before me on March 14 , 2003 , by Barry D. Delaney, Leah M. Delaney

Evelyn A. Morgan  
Notary Public, State of Mississippi  
Evelyn A Morgan

07-19-2006  
My Commission Expires:

Notary Public, State of \_\_\_\_\_

